

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

D'MARIO CAESAR,

Defendant.

DECISION AND ORDER
18-CR-139-A

This case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On March 11, 2019, the Magistrate Judge filed a Report and Recommendation (Dkt. No. 38) that recommends that motions of defendant Caesar to suppress evidence and statements be denied. The defendant filed objections to the Report and Recommendation (Dkt. No. 41), the United States filed a response to the objections (Dkt. No. 43), and the defendant filed a reply (Dkt. No. 44).

Pursuant to 28 U.S.C. §636(b)(1), the Court must make a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. After reviewing the submissions of the parties, having heard oral argument, and upon *de novo* review, it is hereby

ORDERED that the motions to suppress of defendant Caesar are denied for the reasons stated in the Report and Recommendation. Dkt. No. 41. The Court has considered the defendant's objections, and finds them to be without merit, and it is

ORDERED that the parties shall appear to set a date for trial on July 12, 2019, at

9:00 a.m.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: July 10, 2019